



# Voting Information News

July 2005 Vol. 15, No.7

*A roundup of voting news from the Federal Voting Assistance Program (FVAP) for voters, potential voters and those who assist voters.*

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## Voting Assistance Officers

### "To Do" This Month:

☑ Announce the August 2, 2005 special election in the Ohio 2nd Congressional District to fill the seat vacated by Congressman Rob Portman. Check the Ohio Election Website at: [www.sos.state.oh.us/sos](http://www.sos.state.oh.us/sos). A news release will be posted on the FVAP website ([www.fvap.gov](http://www.fvap.gov)) with specific information for UOCAVA citizens.

☑ Ensure that you are on the distribution list for the FVAP News Releases and this Newsletter. The VIN is available by e-mail, regular mail, or both! News Releases are available only by e-mail. Contact our office (see page 4) to be added to the distribution list.

☑ Ensure that citizens you assist have submitted new FPCAs to their local election officials if they have recently changed their mailing address or are residents of a state holding elections this year. (continued on next page)

## Voting Residency Guidelines for UOCAVA Citizens

During the course of an election year, the FVAP receives numerous queries from citizens voting under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) regarding their state of residence for voting purposes. While the issue of voting residency can be complex, the following are general guidelines for helping members of the Uniformed Services, the merchant marine and their family members and all overseas civilian citizens determine their state of legal residence for voting purposes.

### Part I. Uniformed Service Members and Eligible Dependents

One must have or have had physical presence in the state and simultaneously the intent to remain or make the state his/her home or domicile.

One may only have one legal residence at a time, but may change residency each time he or she is transferred to a new location. One must make a conscious decision to change residency; it cannot be done accidentally. There must be certain specific actions which may be interpreted as conscious decisions, e.g., registering to vote, registering a car, qualifying for in-state tuition, obtaining a driver's license, etc.

Once residence is changed, a person may not revert to the previous residence without re-establishing new physical presence and intent to remain or return.

**Keep in mind that you may not arbitrarily choose which state to declare as your legal voting residence without meeting the state's residency requirement.**

"Home of Record" should not be confused with legal residence. "Home of Record" is the address a military member had upon entry into the Service. It does not change. "Home of Record" and legal residence may be the same address, and usually are when a person enters military service. It can remain so even though the person or his/her relatives no longer live at that location, as long as the military member has not established a legal residence elsewhere after entering on active duty. If a military member changes legal residence after entering on active duty, he/she may not revert to claiming the "Home of Record" as legal residence without re-establishing physical presence and intent to remain in or return to that state.

Family members of active duty military personnel may each have a different legal residence. **A spouse does not automatically assume the legal residence of the active duty member upon marriage.**

The spouse must meet the physical presence and intent to remain or return criteria. Minors typically assume the legal residence of either parent when they become 18. They also have the option of establishing their own legal residence, which can be different from either parent, assuming they have met the guidelines of physical presence and intent to remain or return.

The above are general guidelines for determining your legal residency for voting purposes. Consult your legal or JAG officer for specifics.

(continued on next page)

**Share your best practices!** Send your best practice(s), novel ideas and lessons learned to your Voting Action Officer. Contact information is on page 3.

## "To Do" This Month

(continued):

☑ Have adequate supplies of FPCAs and FWABs on-hand to last until the new revised FPCA and FWAB forms are released this Fall.

☑ Plan to attend a FVAP workshop to ensure you are properly trained to provide assistance to your citizens. If your installation or location would like to host a workshop in 2006, contact your Embassy, Consulate or Major Command VAO to request that a workshop be scheduled.

**NOTE:** The appearance of external hyperlinks does not constitute endorsement by the United States Federal Government, United States Department of Defense or the Federal Voting Assistance Program of the linked web sites, or the information, products or services contained therein. The Federal Voting Assistance Program does not exercise any editorial control over the information you may find at these locations.

# Voting Residency Guidelines for UOCAVA Citizens (continued)

## Part II. Overseas Civilian Citizens

Your "legal state of residence" for voting purposes is the state **you last resided immediately prior to your departure from the U.S.** This right extends to overseas citizens even though they may no longer own property or have other ties to their last state of residence and their intent to return to that state may be uncertain.

When completing the Federal Post Card Application (FPCA), always consult the appropriate state section in Chapter 3 of the *Guide* and complete the residence section of the form by entering the complete street address of your last residence in that state, including your street or rural route and number. If using a rural route number, include specific information on the location of residence. Your right to vote in your state and determination of voting precinct depend on your physical residence while you were within that state.

Keep in mind that exercising your right to vote in elections *for Federal offices only* does not affect the determination of residence or domicile for purposes of any tax imposed under Federal, state or local law. **Voting in an election for Federal office only may not be used as the sole basis to determine residency for the purposes of imposing state and local taxes.** If you claim a particular state as your residence and have other ties with that state *in addition to voting*, then you may be liable for state and local taxation, depending upon that particular state law. Visit the IRS website at [www.irs.gov](http://www.irs.gov) for information on probable tax obligations.

**Citizens who have never resided in the U.S.** are not entitled to vote under current law in many states. Although they are subject to all other requirements of citizenship, they are not eligible to vote. The FVAP continues to recommend that State legislatures adopt laws that allow these citizens to vote where either parent is currently eligible to vote under UOCAVA. The following states have

enacted this provision: Arizona, Delaware, Georgia, Hawaii, Iowa, Massachusetts, Michigan, Montana, Nebraska, New York, North Dakota, Oklahoma, Oregon, Rhode Island, Tennessee, West Virginia, and Wisconsin. Consult Chapter 3 of the *Guide* for state specific requirements.

Voting Assistance Officers at Embassies/Consulates will assist overseas U.S. citizens in obtaining and completing FPCA requests for registration and absentee ballot; witnessing or notarizing FPCA forms (if required), and providing other absentee voting information as needed. Embassy/Consulate locations serve also as postage-free mailing points for FPCA forms and other election materials to be mailed back to your local voting jurisdiction in the U.S. where absentee registration and ballot requests are processed. Organizations of American citizens overseas such as Democrats Abroad, Republicans Abroad, etc. and overseas corporations also have voting materials to assist citizens in requesting registration and ballot.

The above are general guidelines for determining your legal residency for voting purposes. Consult your legal counsel for specific questions. ☑



*"Everybody counts in applying democracy."*  
— Carrie Chapman Catt

## Slogan Contest Draws to a Close

Thank you to everyone who submitted a slogan for the 2005 Slogan Contest that officially ends July 10. The Voting Slogan contest is a biennial contest sponsored by the FVAP in its efforts to promote interest in the democratic process among citizens covered under the *Uniformed and Overseas Citizens Absentee Voting Act* (UOCAVA). The winner of this year's slogan contest will be featured in the FVAP's 2006/2007 informational and motivational materials that focus on increasing voter awareness among U.S. citizens worldwide.

Even if your slogan is not selected as the ultimate winner, your slogan may be used in a state section of the 2006/2007 *Voting Assistance Guide*.

We received thousands of submissions and accomplished our goal of promoting voter awareness through the contest. The Voting Assistance Officers' dedicated efforts in encouraging the contest helped generate excitement for participation in the contest and brought attention to the voting program. Thank you for participating in the contest. ☑



## Communicating With Your Elected Officials

Take an active role in your government by corresponding with your elected officials! The Federal Voting Assistance Program fosters voter participation by offering a wide variety of services to absentee voters covered by the *Uniformed and Overseas Citizens Absentee Voting Act* (UOCAVA) and you can utilize these services to gain more information about the work your elected officials are doing on your behalf.

Representative, you can find tips on how to do this from our brochure available at the FVAP's website ([www.fvap.gov](http://www.fvap.gov)) by selecting Communicating With Your Elected Official.

Here you may also find out who is your representative in Congress and Senator by links provided to their website. Information such as the legislative process, and state and local elected officials is also available. ☑

Whether you want to phone your Senator or write a letter to your Congressional

*"From a tiny spark may  
burst a mighty flame" –  
Dante*

*Celebrate your  
independence; register  
and vote!*

### Voting Action Officers

#### Department of State: Office of Overseas Citizens Services

Chief VAO: Mr. Jack Markey, **tel:** (202) 736-4937, **fax:** (202) 647-6201, **Email:** markeyjd@state.gov  
Deputy VAO: Ms. Linda Hoover, **tel:** (202) 647-5435, **fax:** (202) 647-6201, **Email:** hooverlr@state.gov

#### Service Voting Action Officers

**U.S. Dept. of the Army:** Mr. James Davis **tel:** (703) 325-4530 **DSN:** 221-4530; **fax:** (703) 325-4532  
**DSN fax:** 221-4532; **Email:** davisj@hoffman.army.mil,  
**http:**://www.vote.army.mil or **https:**://www.vote.army.mil

**U.S. Dept. of the Navy:** LT Dwight H. Isaacs **tel:** 1-866-U-ASK-NPC (827-5672); **fax:** (901) 874-6825, **DSN fax:** 882-6825,  
**Email:** MILL\_navyvote@navy.mil, **http:**://www.mwr.navy.mil/nvap/index.html

**U.S. Dept. of the Air Force:** Lt. Col. Lee Shick **tel:** (210) 565-2338 (Mr. John Lowrance), **toll free:** 1-866-229-7074 (select option 4, then 6 from menu), **DSN:** 665-4369; **fax:** (210) 565-2543, **DSN fax:** 665-2543;  
**Email:** afpc/dpsfvotingpgmdlist@randolph.af.mil; **http:**://www.afpc.randolph.af.mil/votefund/

**U.S. Marine Corps:** Mr. Robert Wagner **tel:** (703) 784-9513, **DSN:** 278-9513; **fax:** (703) 784-9827,  
**DSN fax:** 278-9827; **Email:** wagnerro@manpower.usmc.mil  
**https:**://lnweb1.manpower.usmc.mil/manpower/mi/mra\_ofct.nsf/mrp/Voting+Home

**U.S. Coast Guard:** YNCS Lori McNaught **tel:** (202)-267-1636, **fax:** (202) 267-4823;  
**Email:** LMcNaught@comdt.uscg.mil, **http:**://www.uscg.mil/hq/g-w/g-wp/g-wpm/g-wpm-1/VotingAssistance/Voting\_Assistance.htm

**All of the above can also be reached through the DoD Voting Information Center and the FVAP Website.**

## Federal Voting Assistance Program

Department of Defense  
1155 Defense Pentagon  
Washington, DC  
20301-1155

PHONE:  
(703) 588-1584  
DSN 425-1584

FAX  
(703) 696-1352  
DSN 426-1352

VOTING INFORMATION  
CENTER (VIC):  
(703) 588-1343  
DSN 425-1343

TOLL FREE (VIC and FVAP  
staff member):  
1-800-438-VOTE (8683)

Visit our website for  
international toll-free phone  
and fax numbers.

EMAIL:  
[vote@fvap.ncr.gov](mailto:vote@fvap.ncr.gov)

Comments or suggestions on  
this newsletter are welcome.

Website:  
[www.fvap.gov](http://www.fvap.gov)

# Vote!

## Legislative Best Practices From The States

**Montana:** Montana allows UOCAVA citizens to send the Federal Post Card Application (FPCA) and the Federal Write-In Ballot (FWAB) for registration and absentee ballot request by fax or email and allows receipt and return of the absentee ballot by fax or email.

Montana provides training and direction to County Election Administrators on processes for working with U.S. electors and reminding them that state law permits and encourages faxing and emailing of ballot materials. Currently 31 counties accept voting via fax and 8 counties accept voting via email.

The Lincoln County elections department was a model in their offer to specially assist U.S. electors in voting. They accepted a late-minute emailed ballot request from a soldier stationed in Iraq. The ballot was sent and received back in time.

The Montana Secretary of State office received an email from an overseas military Voting Assistance Officer, asking for assistance. The voters' information was forwarded to their respective counties for processing. The ballots were accepted by email and/or fax, including a sheet for each elector to sign indicating that the elector realized that the contents of his ballot would be seen by at least one member of the county election staff. The process was a success and many U.S. electors who would otherwise have been disenfranchised had their ballots counted through the process.

Montana is revamping the state election website and will post a list indicating those counties that will accept emails and/or faxes of balloting materials.

**Washington State:** Washington allows UOCAVA citizens to send the FPCA for registration and absentee ballot request by fax or email and allows receipt of the blank ballot by fax or email.

39 Washington counties use alternative ballot delivery systems. 19 counties have used email or their web sites to deliver ballots to the uniformed service members and overseas citizens.

**Arizona, Delaware, Georgia, Hawaii, Iowa, Massachusetts, Michigan, Montana, Nebraska, New York, North Dakota, Oklahoma, Oregon, Rhode Island, Tennessee, West Virginia, and Wisconsin:** If you are a U.S. citizens who has never resided in the U.S. but have a parent who is eligible to vote in one of these states, you may be eligible to vote in the jurisdiction where one of your parents reside. Find out requirements specific to your state by contacting the local election official or Secretary of State office. Link to your state election website is available from the FVAP website at [www.fvap.gov](http://www.fvap.gov).

**Moving?** Send an FPCA to notify your local election official. Also, send us an email so that you and your replacement can continue receiving this *newsletter*.

Federal Voting Assistance Program  
Department of Defense  
1155 Defense Pentagon  
Washington, DC 20301-1155



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